

## EXHIBIT A

State of Alabama Unified Judicial System  Form ARCiv-93 Rev.5/99	<b>COVER SHEET</b> <b>CIRCUIT COURT - CIVIL CASE</b> (Not For Domestic Relations Cases)	Ca: <b>47</b> Date of Filing: <b>07/07/2017</b>	CIRCUIT COURT OF MADISON COUNTY, ALABAMA DEBRA KIZER, CLERK Judge Code:
<b>GENERAL INFORMATION</b>			
<b>IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA</b> <b>CORA MARSHALL V. CARRABBA'S ITALIAN GRILL, LLC</b>			
First Plaintiff: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	First Defendant: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
<b>NATURE OF SUIT:</b> Select primary cause of action, by checking box (check only one) that best characterizes your action:			
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> WDEA - Wrongful Death <input checked="" type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____	<b>OTHER CIVIL FILINGS (cont'd)</b> <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve  <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division  <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case		
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Properly	<b>OTHER CIVIL FILINGS</b> <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service		
<b>ORIGIN:</b> F <input checked="" type="checkbox"/> INITIAL FILING  R <input type="checkbox"/> REMANDED	A <input type="checkbox"/> APPEAL FROM DISTRICT COURT  T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT	O <input type="checkbox"/> OTHER	
<b>HAS JURY TRIAL BEEN DEMANDED?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)	
<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED			
<b>ATTORNEY CODE:</b> AUF001		7/7/2017 2:58:44 PM Date	
		/s/ MICHAEL E AUFFENORDE Signature of Attorney/Party filing this form	
<b>MEDIATION REQUESTED:</b>		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED	

DOCUMENT 2



ELECTRONICALLY FILED  
7/7/2017 2:58 PM  
47-CV-2017-901159.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CORA MARSHALL,

Plaintiff,

v.

CARRABBA'S ITALIAN GRILL, LLC, )

CIVIL ACTION NO.

JURY DEMAND

**And Fictitious Parties No. 1** whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which are owners of the premises operating as Carrabba's Italian Grill located at 2801 Memorial Pkwy SW, **Huntsville, Alabama**; **No. 2**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which are lessor of said premises; **No. 3**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which are lessees of said premises; **No. 4**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which provided maintenance or upkeep of said premises; **No. 5**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which have any interest in said premises, made the basis of this suit; **No. 6**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which exercised control over said premises; **No. 7**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which were doing business as **Carrabba's Italian Grill, at 2801 Memorial Pkwy SW, Huntsville, Alabama**; **No. 8**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which negligently or wantonly caused injury to the Plaintiff on or about January 17, 2016; **No. 9**, whether singular or plural, Plaintiff hereby intending to designate that entity or those entities who or which breached an implied or express contract with Plaintiff. Plaintiff avers that the identity of the fictitious party defendants is otherwise unknown to Plaintiff at this time, but their true names will be substituted by amendment when the aforesaid lacking knowledge is ascertained,

Defendants. )

COMPLAINT

PARTIES

1. Plaintiff, CORA MARSHALL, is an adult individual residing in the Huntsville, Madison County, Alabama. Defendant, CARRABBA'S ITALIAN GRILL, LLC, is a corporation doing business in Madison County, Alabama at all relevant times.

STATEMENT OF FACTS

2. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, she came

## DOCUMENT 2

with members of her family to purchase a meal as part of a family celebration, and therefore she was a business invitee on the premises of Carrabba's Italian Grill, located at 2801 Memorial Pkwy SW, Huntsville, Alabama, on property owned, operated, maintained and/or managed by Defendant, CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9. On January 17, 2016, Plaintiff, CORA MARSHALL, was walking to the restroom through a hallway which shared access to the kitchen and which was traversed regularly by employees who were carrying liquids. As she walked down the hallway she was suddenly caused to slip and fall by a clear puddle of liquid that had been allowed to lie on the floor without any indication of its presence or warning that the liquid was there. CORA MARSHALL was caused to slip forward and then fall backward onto her left knee such that her lower left leg ended up under her right leg. CORA MARSHALL was not able to get up from the floor and had to wait for an ambulance to arrive to be assisted onto a stretcher. Due to the location of the restaurant on the second floor of the Parkway City Mall shopping center, the ambulance personnel were unable to come directly to the location of CORA MARSHALL and had to access the restaurant from inside the Mall. During this time, it was noted that she could not be evacuated from the premises by the back door because it required passing through the kitchen and the floor of the kitchen on Defendant's premises was in a hazardous condition because of the presence of water and other liquids and grease on the floor. As a result, security for the Mall had to open side doors into the general Mall for her to be taken to the hospital. Plaintiff, CORA MARSHALL, was given no warning of the hazardous condition of the premises prior to her fall. As a proximate cause of the accident, Plaintiff CORA MARSHALL was caused to be injured and damaged as set out in Paragraph 4 herein.

**COUNT ONE**  
**NEGLIGENCE**

DOCUMENT 2

3. The Plaintiff adopts and re-alleges and incorporates by reference Paragraphs 1 - 2 as if fully set out in specific detail herein.

4. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9 negligently maintained the premises of CARRABBA'S ITALIAN GRILL, located at 2801 Memorial Pkwy SW, Huntsville, Alabama, so it was not reasonably safe for members of the public, including Plaintiff CORA MARSHALL. Upon information and belief, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9, were on notice of liquid puddles on the floor where Plaintiff was caused to fall, and permitted the puddle(s) of water to lie on the floor, with no signs warning the public of the danger. The Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, at that time, were aware of the unsafe condition, or it had existed for a sufficiently long enough time so that the Defendant should have been aware or was negligent in failing to discover the unsafe condition. Defendant was negligent in failing to give due notice of the unsafe condition. As a direct and/or proximate consequence of the aforesaid negligence of the Defendant, CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, the Plaintiff, CORA MARSHALL, was caused to be injured as follows:

(a) Plaintiff was caused to suffer injuries to her person, including her left knee, left leg and her body as a whole.

(b) Plaintiff was caused to be permanently injured.

(c) Plaintiff was caused and will be caused in the future to expend sums of money in the nature of doctor, hospital, drug and other expenses in and about an effort to heal and cure her injuries.

DOCUMENT 2

(d) Plaintiff was caused to undergo one or more surgical procedures, including a total knee replacement of her left knee.

(e) Plaintiff was caused and will be caused in the future to suffer physical pain, discomfort and mental anguish as a result of her injuries.

(f) Plaintiff was caused to suffer temporary total disability and a permanent partial disability.

(g) Plaintiff's capacity to enjoy life and to participate in social and physical activities has been severely reduced or eliminated.

**COUNT TWO**  
**WANTONNESS**

5. The Plaintiff re-alleges and incorporates by reference Paragraphs 1-4 as if fully set out in specific detail herein below.

6. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9, wantonly maintained the premises of CARRABBA'S ITALIAN GRILL, located at 2801 Memorial Pkwy SW, Huntsville, Alabama, so it was not reasonably safe for members of the public, including Plaintiff CORA MARSHALL. Upon information and belief, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, were on notice of liquid puddles on the floor where Plaintiff was caused to fall, and permitted the puddle(s) of water to lie on the floor, with no signs warning the public of the danger. The Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, at that time, were aware of the unsafe condition, or it had existed for a sufficiently long enough time so that the Defendant should have been aware or was wanton in failing to discover the unsafe condition. Defendant was wanton in failing to give due notice of the unsafe condition. As a direct and/or proximate consequence of the aforesaid wantonness of the Defendant,

DOCUMENT 2

CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, the Plaintiff, CORA MARSHALL, was caused to be injured, as set out in paragraph 4 above.

**COUNT THREE**  
**BREACH OF CONTRACT**

7. The Plaintiff CORA MARSHALL re-alleges and incorporates by reference Paragraphs 1-6 as if fully set out in specific detail below.

8. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, she entered into an express or implied contract with Defendant, CARRABBA'S ITALIAN GRILL, LLC, to wit; that by entering the premises with members of her family to partake of a sit down eat-in meal on said premises and purchased from Defendant, and by engaging in activities consistent with such, a relationship was established as customer and proprietor between the Plaintiff and the Defendant.

9. Defendant expressly or impliedly undertook as a material part of that relationship to provide reasonably safe premises for the purposes intended and used as a part of its contractual relationship with Plaintiff.

10. On said occasion made the basis of this lawsuit, Defendant breached its express or implied contract with Plaintiff by allowing a liquid substance to accumulate and remain on a floor in a public area such that it could, and did, cause Plaintiff to fall and injure her person.

11. As a direct and natural consequence of Defendant's breach of its express or implied contract, Plaintiff, CORA MARSHALL, was injured as set out in Paragraph 4 hereinabove.

**COUNT FOUR**  
**FICTITIOUS PARTIES**

12. The Plaintiff re-alleges and incorporates by reference Paragraphs 1-11 as if fully set out in specific detail herein below.

## DOCUMENT 2

13. Fictitious Defendants No. 1, No. 2 and No. 3 are the owners, lessors and lessees of the above described premises. Fictitious Defendant No. 4 is the entity or entities which provided cleaning, upkeep and/or maintenance of the business premises. Fictitious Defendants No. 5 and No. 6 are the entities which have any interest or control in the above-described business premises. Fictitious Defendant No. 7 is the entity or entities which were doing business as CARRABBA'S ITALIAN GRILL located at 2801 Memorial Pkwy SW, Huntsville, Alabama. Fictitious Defendant No. 8 is the entity or entities which negligently or wantonly caused injury to the Plaintiff on or about January 17, 2016. Fictitious Defendant No. 9 is the entity or entities who or which breached an implied or express contract with the Plaintiff. Plaintiff avers that one or all of these Defendants negligently or wantonly caused or allowed Plaintiff to be injured on the above date. Plaintiff avers that the identity of these fictitious Defendants is otherwise unknown to Plaintiff at this time, but their true names will be substituted by amendment when the aforesaid lacking knowledge is ascertained.

WHEREFORE PREMISES CONSIDERED, Plaintiff, CORA MARSHALL, demands judgment against the Defendants, jointly and severally, in such amounts as a jury shall award, including compensatory and punitive damages, interest and costs, and such equitable and further relief to which she is entitled.

s/Michael E. Auffenorde  
MICHAEL E. AUFFENORDE  
Attorney for Plaintiff

**PLAINTIFF HEREBY DEMANDS A TRIAL BY STRUCK JURY IN THIS CASE.**

s/Michael E. Auffenorde  
MICHAEL E. AUFFENORDE



DOCUMENT 2

Of Counsel:

**MICHAEL E. AUFFENORDE, P.C.**

2409 Commerce Court, Suite B

Huntsville, Alabama 35801

(256) 533-5383

(256) 533-4833 facsimile

aalaw@bellsouth.net

PLAINTIFF'S ADDRESS:

CORA MARSHALL

c/o Michael E. Auffenorde

MICHAEL E. AUFFENORDE, P.C.

2409 Commerce Court, Suite B

Huntsville, Alabama 35801

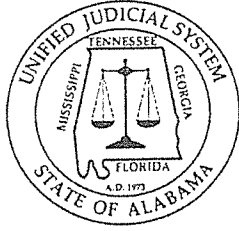
DEFENDANT'S ADDRESS:

CARRABBA'S ITALIAN GRILL, LLC

c/o CT Corporation System

2 N Jackson St, Ste 605

Montgomery, AL 36104



AlaFile E-Notice

47-CV-2017-901159.00

To: MICHAEL E AUFFENORDE  
aalaw@bellsouth.net

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

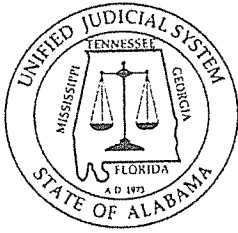
CORA MARSHALL V. CARRABBA'S ITALIAN GRILL, LLC  
47-CV-2017-901159.00

The following complaint was FILED on 7/7/2017 2:59:10 PM

Notice Date: 7/7/2017 2:59:10 PM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



AlaFile E-Notice

47-CV-2017-901159.00

To: CARRABBA'S ITALIAN GRILL, LLC  
C/O CT CORPORATION SYSTEM  
2 N JACKSON ST, STE 605  
MONTGOMERY, AL, 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CORA MARSHALL V. CARRABBA'S ITALIAN GRILL, LLC  
47-CV-2017-901159.00

The following complaint was FILED on 7/7/2017 2:59:10 PM

Notice Date: 7/7/2017 2:59:10 PM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390

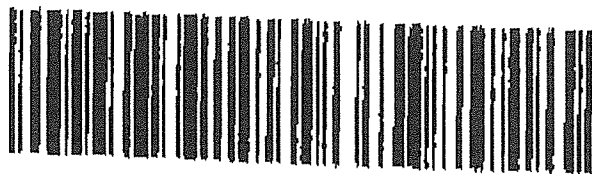


**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Carrabba's Italian Grill, LLC  
c/o CT Corporation System  
2 N Jackson St, Ste 605  
Montgomery, AL 36104



9590 9402 2644 6336 6004 88

## 2. Article Number (Transfer from service label)

7017 1070 0001 0450 1941

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7-21-17

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

FILED IN OFFICE

JUL 26 2017

DEBRA KIZER

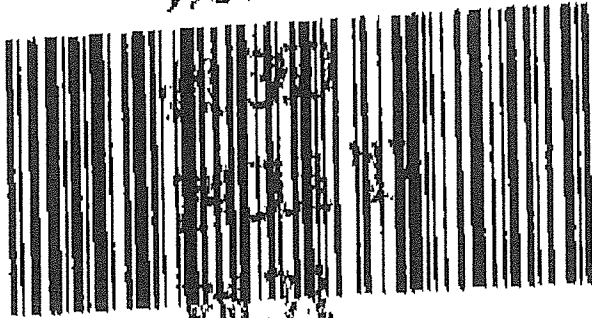
Clerk, Circuit Court Madison Co., AL

## 3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Return Receipt for Merchandise☐ Signature Confirmation☐ Signature Confirmation Restricted Delivery

DOCUMENT 5

USPS TRACKING



9590 9402 2644 6336 6004 88

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box®

Circuit Court Clerk  
Madison County Courthouse  
100 Northside Square  
Huntsville, AL 35801

CV17-901159







## AlaFile E-Notice

47-CV-2017-901159.00

Judge: KAREN K HALL

To: AUFFENORDE MICHAEL EVAN  
aalaw@bellsouth.net

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CORA MARSHALL V. CARRABBA'S ITALIAN GRILL, LLC  
47-CV-2017-901159.00

The following matter was served on 7/21/2017

**D001 CARRABBA'S ITALIAN GRILL, LLC**

**Corresponding To**  
CERTIFIED MAIL

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



7/7/2017 2:58 PM

47-CV-2017-901159.00

CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

Ca:

47

Date of Filing:

Judge Code:

07/07/2017

State of Alabama Unified Judicial System	COVER SHEET <b>CIRCUIT COURT - CIVIL CASE</b> (Not For Domestic Relations Cases)	Ca: <b>47</b>	CIRCUIT COURT OF MADISON COUNTY, ALABAMA DEBRA KIZER, CLERK
Form AR Civ-93    Rev. 5/99	Date or Filing: 07/07/2017	Judge Code:	
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<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED			
<b>ATTORNEY CODE:</b> AUF001 <span style="float:right;">7/7/2017 2:58:44 PM</span> <span style="float:right;">/s/ MICHAEL E AUFFENORDE</span> <div style="clear:both;"></div> <div>DateSignature of Attorney/Party filing this form</div>			
<b>MEDIATION REQUESTED:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED			





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DEBRA KIZER, CLERK

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Defendants. )

**COMPLAINT**

**PARTIES**

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**STATEMENT OF FACTS**

2. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, she came

with members of her family to purchase a meal as part of a family celebration, and therefore she was a business invitee on the premises of Carrabba's Italian Grill, located at 2801 Memorial Pkwy SW, Huntsville, Alabama, on property owned, operated, maintained and/or managed by Defendant, CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9. On January 17, 2016, Plaintiff, CORA MARSHALL, was walking to the restroom through a hallway which shared access to the kitchen and which was traversed regularly by employees who were carrying liquids. As she walked down the hallway she was suddenly caused to slip and fall by a clear puddle of liquid that had been allowed to lie on the floor without any indication of its presence or warning that the liquid was there. CORA MARSHALL was caused to slip forward and then fall backward onto her left knee such that her lower left leg ended up under her right leg. CORA MARSHALL was not able to get up from the floor and had to wait for an ambulance to arrive to be assisted onto a stretcher. Due to the location of the restaurant on the second floor of the Parkway City Mall shopping center, the ambulance personnel were unable to come directly to the location of CORA MARSHALL and had to access the restaurant from inside the Mall. During this time, it was noted that she could not be evacuated from the premises by the back door because it required passing through the kitchen and the floor of the kitchen on Defendant's premises was in a hazardous condition because of the presence of water and other liquids and grease on the floor. As a result, security for the Mall had to open side doors into the general Mall for her to be taken to the hospital. Plaintiff, CORA MARSHALL, was given no warning of the hazardous condition of the premises prior to her fall. As a proximate cause of the accident, Plaintiff CORA MARSHALL was caused to be injured and damaged as set out in Paragraph 4 herein.

**COUNT ONE**  
**NEGLIGENCE**

3. The Plaintiff adopts and re-alleges and incorporates by reference Paragraphs 1 - 2 as if fully set out in specific detail herein.

4. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9 negligently maintained the premises of CARRABBA'S ITALIAN GRILL, located at 2801 Memorial Pkwy SW, Huntsville, Alabama, so it was not reasonably safe for members of the public, including Plaintiff CORA MARSHALL. Upon information and belief, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9, were on notice of liquid puddles on the floor where Plaintiff was caused to fall, and permitted the puddle(s) of water to lie on the floor, with no signs warning the public of the danger. The Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, at that time, were aware of the unsafe condition, or it had existed for a sufficiently long enough time so that the Defendant should have been aware or was negligent in failing to discover the unsafe condition. Defendant was negligent in failing to give due notice of the unsafe condition. As a direct and/or proximate consequence of the aforesaid negligence of the Defendant, CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, the Plaintiff, CORA MARSHALL, was caused to be injured as follows:

(a) Plaintiff was caused to suffer injuries to her person, including her left knee, left leg and her body as a whole.

(b) Plaintiff was caused to be permanently injured.

(c) Plaintiff was caused and will be caused in the future to expend sums of money in the nature of doctor, hospital, drug and other expenses in and about an effort to heal and cure her injuries.

(d) Plaintiff was caused to undergo one or more surgical procedures, including a total knee replacement of her left knee.

(e) Plaintiff was caused and will be caused in the future to suffer physical pain, discomfort and mental anguish as a result of her injuries.

(f) Plaintiff was caused to suffer temporary total disability and a permanent partial disability.

(g) Plaintiff's capacity to enjoy life and to participate in social and physical activities has been severely reduced or eliminated.

**COUNT TWO**  
**WANTONNESS**

5. The Plaintiff re-alleges and incorporates by reference Paragraphs 1-4 as if fully set out in specific detail herein below.

6. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8 and 9, wantonly maintained the premises of CARRABBA'S ITALIAN GRILL, located at 2801 Memorial Pkwy SW, Huntsville, Alabama, so it was not reasonably safe for members of the public, including Plaintiff CORA MARSHALL. Upon information and belief, Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, were on notice of liquid puddles on the floor where Plaintiff was caused to fall, and permitted the puddle(s) of water to lie on the floor, with no signs warning the public of the danger. The Defendant CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, at that time, were aware of the unsafe condition, or it had existed for a sufficiently long enough time so that the Defendant should have been aware or was wanton in failing to discover the unsafe condition. Defendant was wanton in failing to give due notice of the unsafe condition. As a direct and/or proximate consequence of the aforesaid wantonness of the Defendant,

CARRABBA'S ITALIAN GRILL, LLC, and/or fictitious parties 1, 2, 3, 4, 5, 6, 7, 8, and 9, the Plaintiff, CORA MARSHALL, was caused to be injured, as set out in paragraph 4 above.

**COUNT THREE**  
**BREACH OF CONTRACT**

7. The Plaintiff CORA MARSHALL re-alleges and incorporates by reference Paragraphs 1-6 as if fully set out in specific detail below.

8. Plaintiff, CORA MARSHALL, avers that on or about January 17, 2016, she entered into an express or implied contract with Defendant, CARRABBA'S ITALIAN GRILL, LLC, to wit; that by entering the premises with members of her family to partake of a sit down eat-in meal on said premises and purchased from Defendant, and by engaging in activities consistent with such, a relationship was established as customer and proprietor between the Plaintiff and the Defendant.

9. Defendant expressly or impliedly undertook as a material part of that relationship to provide reasonably safe premises for the purposes intended and used as a part of its contractual relationship with Plaintiff.

10. On said occasion made the basis of this lawsuit, Defendant breached its express or implied contract with Plaintiff by allowing a liquid substance to accumulate and remain on a floor in a public area such that it could, and did, cause Plaintiff to fall and injure her person.

11. As a direct and natural consequence of Defendant's breach of its express or implied contract, Plaintiff, CORA MARSHALL, was injured as set out in Paragraph 4 hereinabove.

**COUNT FOUR**  
**FICTITIOUS PARTIES**

12. The Plaintiff re-alleges and incorporates by reference Paragraphs 1-11 as if fully set out in specific detail herein below.

13. Fictitious Defendants No. 1, No. 2 and No. 3 are the owners, lessors and lessees of the above described premises. Fictitious Defendant No. 4 is the entity or entities which provided cleaning, upkeep and/or maintenance of the business premises. Fictitious Defendants No. 5 and No. 6 are the entities which have any interest or control in the above-described business premises. Fictitious Defendant No. 7 is the entity or entities which were doing business as CARRABBA'S ITALIAN GRILL located at 2801 Memorial Pkwy SW, Huntsville, Alabama. Fictitious Defendant No. 8 is the entity or entities which negligently or wantonly caused injury to the Plaintiff on or about January 17, 2016. Fictitious Defendant No. 9 is the entity or entities who or which breached an implied or express contract with the Plaintiff. Plaintiff avers that one or all of these Defendants negligently or wantonly caused or allowed Plaintiff to be injured on the above date. Plaintiff avers that the identity of these fictitious Defendants is otherwise unknown to Plaintiff at this time, but their true names will be substituted by amendment when the aforesaid lacking knowledge is ascertained.

WHEREFORE PREMISES CONSIDERED, Plaintiff, CORA MARSHALL, demands judgment against the Defendants, jointly and severally, in such amounts as a jury shall award, including compensatory and punitive damages, interest and costs, and such equitable and further relief to which she is entitled.

s/Michael E. Auffenorde  
MICHAEL E. AUFFENORDE  
Attorney for Plaintiff

**PLAINTIFF HEREBY DEMANDS A TRIAL BY STRUCK JURY IN THIS CASE.**

s/Michael E. Auffenorde  
MICHAEL E. AUFFENORDE

Of Counsel:

**MICHAEL E. AUFFENORDE, P.C.**

2409 Commerce Court, Suite B

Huntsville, Alabama 35801

(256) 533-5383

(256) 533-4833 facsimile

aalaw@bellsouth.net

PLAINTIFF'S ADDRESS:

CORA MARSHALL

c/o Michael E. Auffenorde

MICHAEL E. AUFFENORDE, P.C.

2409 Commerce Court, Suite B

Huntsville, Alabama 35801

DEFENDANT'S ADDRESS:

CARRABBA'S ITALIAN GRILL, LLC

c/o CT Corporation System

2 N Jackson St, Ste 605

Montgomery, AL 36104

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> 47-CV-2017-901159.00
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**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

**CORA MARSHALL V. CARRABBA'S ITALIAN GRILL, LLC**

**NOTICE TO:** CARRABBA'S ITALIAN GRILL, LLC, CORPORATE CREATIONS NETWO 6 OFFICE PARK CIRCLE #100, MOUNTAIN BROOK, AL 35223  
 \_\_\_\_\_  
 (Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 MICHAEL E AUFFENORDE  
 \_\_\_\_\_  
 (Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 2409 COMMERCE COURT, SUITE B, HUNTSVILLE, AL 35801  
 \_\_\_\_\_  
 (Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of MARSHALL CORA  
 \_\_\_\_\_  
 pursuant to the Alabama Rules of the Civil Procedure. (Name(s))

8/3/2017 3:14:41 PM                      /s/ DEBRA KIZER                      By: \_\_\_\_\_  
 (Date)                                              (Signature of Clerk)                                              (Name)

☒ Certified Mail is hereby requested.                      /s/ MICHAEL E AUFFENORDE  
 \_\_\_\_\_  
 (Plaintiff's/Attorney's Signature)

**RETURN ON SERVICE**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
 (Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County,  
 (Name of Person Served)                                              (Name of County)

Alabama on \_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Type of Process Server)

\_\_\_\_\_  
 (Server's Signature)

\_\_\_\_\_  
 (Server's Printed Name)

\_\_\_\_\_  
 (Address of Server)

\_\_\_\_\_  
 (Phone Number of Server)





## AlaFile E-Notice

47-CV-2017-901159.00

To: MICHAEL E AUFFENORDE  
aalaw@bellsouth.net

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CORA MARSHALL V. CARRABBA'S ITALIAN GRILL, LLC  
47-CV-2017-901159.00

The following alias summons was FILED on 8/3/2017 3:14:41 PM

Notice Date: 8/3/2017 3:14:41 PM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



## AlaFile E-Notice

47-CV-2017-901159.00

To: CARRABBA'S ITALIAN GRILL, LLC  
CORPORATE CREATIONS NETWO  
6 OFFICE PARK CIRCLE #100  
MOUNTAIN BROOK, AL, 35223

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CORA MARSHALL V. CARRABBA'S ITALIAN GRILL, LLC  
47-CV-2017-901159.00

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